

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, August 11, 2020**

The regular meeting of the Common Council of the City of Marshall was held August 11, 2020, at the Minnesota Emergency Response and Industrial Training (MERIT) Center, 1001 West Erie Road. The meeting was called to order at 4:00 P.M. by Mayor Robert Byrnes. In addition to Byrnes the following members were in attendance: Craig Schafer, Steven Meister, Glenn Bayerkohler, John DeCramer, Russ Labat and James Lozinski. Absent: None. Staff present included: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Jim Marshall, Director of Public Safety; Jason Anderson, Director of Public Works/ City Engineer; Jessie Dehn, Assistant City Engineer; Annette Storm, Director of Administrative Services; Lauren Deutz, Economic Development Director; and Kyle Box, City Clerk.

The Pledge of Allegiance was recited at this time.

Mayor Byrnes relayed that agenda item number 14, Consider Resolution Amending the Resolution Establishing and Providing for the City of Marshall Special Assessment Policy, will be removed from the agenda at staff's request.

Consider approval of the minutes of the work session and the regular meeting held on July 28, 2020.

Motion made by Councilmember Meister, Seconded by Councilmember Lozinski that the minutes of the work session and the regular meeting held on July 28, 2020 be approved as filed with each member and that the reading of the same be waived. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

ADA Transition Plan for Public Sidewalks & City Rights-of-Way – Public Hearing.

Director of Public Works/ City Engineer introduced the agenda item and provided the back information.

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, is a civil rights law prohibiting discrimination against individuals on the basis of disability. ADA consists of five titles outlining protections in the following areas:

1. Employment
2. State and local government services
3. Public accommodations
4. Telecommunications
5. Miscellaneous Provisions

Title II of ADA pertains to the programs, activities and services public entities provide. As a provider of public transportation services and programs, City of Marshall must comply with this section of the Act as it specifically applies to public service agencies. Title II of ADA provides that, "...no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." (42 USC. Sec. 12132; 28 CFR. Sec. 35.130).

This document has been created to specifically cover accessibility within the public rights of way and does not include information on City of Marshall programs, practices, or building facilities not related to public rights of way.

As required by Title II of ADA, 28 CFR. Part 35 Sec. 35.105 and Sec. 35.150, the City of Marshall has conducted a self-evaluation of its public infrastructure within public rights of way and has developed this Transition Plan detailing how the organization will ensure that all of those facilities are accessible to all individuals. This document serves as a supplement to City of Marshall Comprehensive ADA Transition Plan covering buildings, services, programs and activities.

It is the intent receive public input at this hearing with subsequent input incorporated into the plan and Council adoption at the August 25, 2020 meeting.

Councilmember DeCramer commented on the priority items identified on the list and that an option should be to consider bonding for additional funds to ensure that the priority items are taken care of as soon as possible.

Councilmember Lozinski concurred with member DeCramer and that these priority areas should be addressed.

Councilmember Schafer asked how many of the priority projects would be an additional workload to city staff. Director Anderson commented that most areas are addressed when mill and overlay and street reconstruction projects occur as well as when residents bring forward locations that need attention. If the desire is to increase the speed of repair to assessable sidewalks there could be discussion to increase the street department budget towards ramp improvements.

Councilmember Bayerkohler asked for additional detail defining which areas would be addressed in the priority areas. Director Anderson clarified that the document presented tonight is only to provide a framework to the program.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer to close the public hearing. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Consider Approval of the Consent Agenda

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to approve the consent agenda. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Approval to surplus two (2) 2016 Ford Explorers.

Approval of the Wastewater Treatment Facilities Improvement Project – Consider Application for Payment No. 13 to Magney Construction, Inc.

Approval to Authorize the Issuance of a Certificate of Completion Related to the Development of Property Lots 1,2, and 3 of Tiger Park Fourth Addition, Located at 1651 and 1661 East College Drive Marshall.

Approval to Request Authorization for the Appropriate City Officials to Execute a Certificate of Completion and Final Certificate related to Finalization and Closing Out of a Contract for Private Development Including Land Purchase and Business Subsidy Agreement by and between City of Marshall, HRA, and Ralco Nutrition and Knochenmus Enterprises.

Approval of the bills/project payments

Introduction of David Schelkopf, Marshall Municipal Utilities General Manager

Mayor Byrnes introduced David Schelkopf, Marshall Municipal Utilities General Manager. General Manager Schelkopf introduced himself and provided a background of his work experience in utilities and city government.

City of Marshall/Lyon County Economic Development Authority Partnership

City Administrator Sharon Hanson introduced the agenda item and Economic Development Director Lauren Deutz. Director Deutz provided a proposal for a City of Marshall/Lyon County EDA Partnership via PowerPoint.

Councilmember Bayerkohler commented that a joint meeting with the City, County and Chamber of Commerce may be beneficial for this topic.

There was further discussion my staff and council and other joint EDA arrangements within the region.

Authorization to purchase two (2) squad cars for the Marshall Police Department.

The Marshall Police Department is on a four (4) year patrol vehicle replacement schedule put in place by the Marshall City Council. The Police Department currently has two (2) 2016 Ford Explorers purchased in 2016 that are scheduled to be replaced.

The Police Department received two (2) quotes to purchase replacement vehicles, (2021 Ford Explorer Police Packages) from the Cooperative Purchasing Venture (State Bid) and from KRUSE Motors. The bid spec sheet utilized was the same used in last year's purchase. The following is the bid from CPV and KRUSE Motors:

STATE BID PRICE (per unit): \$32,720.24 2 UNITS = \$65,440.48

KRUSE MOTORS (per unit): \$33,580.00 2 UNITS = \$67,160.00

The difference between the two bids received is \$859.76 per unit for a total difference of \$1,719.52. The 2021 Ford Explorers have been redesigned and will have equipment replaced or transferred from the surplus units. The anticipated cost to remove, reuse, replace and install needed equipment in each unit is estimated to be \$12,000 dollars. Planned for in the 2020 Capital Improvement Plan squad replacement (\$85,200.00).

Motion made by Councilmember Lozinski, Seconded by Councilmember Labat Approve the purchase of two (2) squad cars from KRUSE Motors. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. Voting Nay: Councilmember Meister, Councilmember Bayerkohler. The motion **Passed. 5-2**

Grant of Utility Easement to Great Plains Natural Gas Company.

Great Plains Natural Gas has completed gas main replacement on South 4th Street between Country Club Drive and Elaine Avenue. The purpose of their work was to replace aging facilities in advance of our South 4th Street reconstruction project this summer. The design of new city utilities created significant conflict with Great Plains' facilities located in city right of way, and this, along with the age and type of material of their facilities, prompted Great Plains to push forward with this work.

Part of this project required moving the district regulator (DR) facility that was located in City right-of-way in front of 615 South 4th Street to a more acceptable location. Great Plains staff approached the City about locating in a more suitable location, and city staff proposed a location on vacant, City-owned property on the southwest corner of South 4th Street and Camden Drive.

At a previous City Council meeting, City staff informed Council of the proposed action to move the DR facility onto this property. Because work needed to occur in an expedited fashion, staff needed quick Council consideration. City Council did not indicate any opposition to this proposal.

Motion made by Councilmember Schafer, Seconded by Councilmember Meister that the City grant a utility easement to Great Plains Natural Gas for relocation of district regulator on City-owned property on the southwest corner of South 4th Street and Camden Drive. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Striping and Signage (Southview Drive, Saratoga Street, North 7th Street).

Staff is reviewing striping plans on various Municipal State Aid (MSA) streets to better align with traffic needs on the roadways. Two of the streets, Saratoga Street and North 7th Street, are included in this year's seal coating project. We expect the seal coating work to be completed the week of August 17th. These segments are both striped with a continuous two-way left turn lane (TWLTL) today. Staff is proposing to generally stripe Saratoga as it is today but include a solid white line to delineate parking lane from travel lane for southbound traffic and including yellow hatching around the crosswalk that leads to the middle school property. In its current configuration, North 7th Street is striped with a TWLTL. Staff is proposing to stripe with a TWLTL from the Diversion Channel bridge to a point north of the Flint Hills property. At this point we are proposing to transition to a two-way striping, including the white edge stripe. Due to the lack of left turning traffic between CR 33 and the Flint Hills property, staff does not believe the TWLTL is needed through this segment at this point in time.

The other street that was analyzed was Southview Drive from Saratoga Street to US 59/Main Street. This segment of Southview Drive was studied by engineering firm SEH prior to the new elementary school project being approved. The traffic review resulted in a recommendation to stripe this segment of street in a 3-lane configuration, with a continuous two-way left turn lane (TWLTL).

To accommodate a TWLTL, staff is proposing to remove parking from the north side of the road and move the on-street bike trail to off-street shared use path on the north side between Saratoga Street and East Southview Court. The shared use path is being constructed by the contractor for the new elementary school project. Between East Southview Court and US 59/Main Street, the on-street bike trail is proposed to co-exist with the TWLTL by removing parking from both sides of the street.

Staff would like to complete a mill and overlay on Southview between TH 59 and Saratoga in 2021. The striping work would occur after this mill and overlay treatment.

The segments were reviewed by the Public Improvement/Transportation Committee at their meeting on August 5, 2020. The layouts (revised 8-6-20) reflect the revisions discussed and recommendations at said meeting.

Cost to restripe the streets are included in the Street Department repair and maintenance budget. Costs for North 7th Street and Saratoga Street are included in the 2020 chip seal contract. Southview Drive would not be restriped until 2021.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to approve the striping plans as presented.

Councilmember Labat commented that he would vote against the motion because of the proposed plan not including a stop sign at the intersection of C Street and Saratoga Street.

Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Labat. The motion **Passed. 6-1**

Consider a LG220 Application for Exempt Permit for SMSU Foundation for January 11, 2021.

Motion made by Councilmember DeCramer, Seconded by Councilmember Schafer BE IT RESOLVED, that the City Council hereby (1) grants local unit of government approval to SMSU Foundation to hold a raffle on January 11, 2021, at Southwest Minnesota State University , 1501 State Street, Marshall, Minnesota, (2) acknowledges the receipt of LG220 Application of Exempt Permit, (3) waives the 30- day waiting period, and (4) authorizes and directs the appropriate city personnel to complete and sign the LG220 Application for Exempt Permit on behalf of the City of Marshall. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. Voting Abstaining: Councilmember Bayerkohler. The motion **Passed. 6-0-1**

Commission/Board Liaison Reports

Byrnes Region Development Commission met and discussed its revolving loan fund. To date, 538,000 have been dispersed out of a total of \$1.48 million. The funds will be available until May 6, 2021.

Schafer No Report

Meister No Report

Bayerkohler No Report

DeCramer Economic Development Authority met to discuss a proposed EDA partnership with Lyon County.

Labat No Report

Lozinski No Report

Councilmember Individual Items

Councilmember Lozinski commented in support of Mayor Byrnes and SMSU President Dr. Kumara Jayasuriya published letter of inclusion.

Councilmember Labat requested an update on an insurance claim at the Red Baron Arena. City Administrator Sharon Hanson commented that a claim was filed with the City's insurance company and denied the coverage under an exclusion in the policy. The City did file an appeal against the decision and will continue to communicate with the insurance company.

Councilmember DeCramer commented on member Bayerkohler's decision not to refile for city council and thanked him for his service to ward 1 and the City of Marshall.

Councilmember Schafer discussed the accumulation of debris on residential properties and staff's follow through on reported concerns.

Councilmember Meister discussed overgrown trees and grass that have been reported and taken care of.

Councilmember Bayerkohler commented on his decision not to refile for Ward 1. Member Bayerkohler thanked the citizens of Ward 1 for the opportunity to serve them over the last 8 years.

City Administrator

City Administrator Sharon Hanson thanked Councilmember Bayerkohler for his service as a Councilmember. Administrator Hanson commented on the 2021 budget and being cautious in setting the preliminary budget. Hanson also mentioned the EDA grant program using CARES funding and that the Economic Development Authority will meet to review the program and offer slight modifications to include more business.

Director of Public Works

Director of Public Works/ City Engineer Jason Anderson discussed a project taken on by the Assistant City Engineer Jessie Dehn on building and managing a construction update web page and project flyers on active projects happening within the City.

City Attorney

City Attorney Dennis Simpson provided an update on the MAHA agreement and is hopeful that an agreement will be before the council at the next regular meeting. Attorney Simpson also commented that all remaining issues with MMB, DEED and the City of Marshall regarding Commerce Industrial Park have been resolved.

Administrative Report

There were no questions on the admin brief.

Information Only

There were no questions on the information items.

Upcoming Meetings

There were no questions on the upcoming meetings.

Adjourn

At 5:20 P.M., Motion made by Councilmember Lozinski, Seconded by Councilmember DeCramer to adjourn. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Mayor

Attest:

City Clerk